

**REMARKS**

Claim 29 was objected to due to an informality in line 1. This informality has been corrected. This correction is not related to the patentability of the subject matter claimed in claim 29.

Claims 1, 2, 12 and 13 were rejected under 35 U.S.C. §102(e) as being anticipated by Hluchyj, U.S. Patent No. 6,381,238 ("the '238 Patent"). Claims 3, 7, 8, 14, 18 and 19 were rejected under 35 U.S.C. §103(a) as being unpatentable over the '238 Patent in view of Park et al., U.S. Patent No. 6,646,985 ("the '985 Patent"). Claims 9, 20-23 and 25-28 were rejected under 35 U.S.C. §103(a) as being unpatentable over the '238 Patent in view of the '985 Patent and further in view of Ash et al., U.S. Patent No. 6,151,315 ("the '315 Patent").

Applicant wishes to thank the Examiner for indicating that the subject matter contained in claims 4-6, 10, 11, 15-17, 24 and 29 would be allowable if rewritten in independent form to include all of the features of any intervening claims.

**The §102(e) Rejections**

Independent claims 1 and 12 were objected to based on 35 U.S.C. §102(e) as being anticipated by the '238 Patent. Applicant respectfully disagrees and traverse this rejection for at least the following reasons.

The present invention is directed at a hybrid telecommunications switch that, among other things, comprises "a controller configured to ... direct traffic to either a circuit or packet switch fabric ...". In contrast, the '238 Patent discloses a signal processing server or servers 21 to move processed information from a circuit switch fabric to a packet switch fabric. The '238 Patent does not disclose or suggest that the signal processing servers 21 can direct processed information to either a circuit switch fabric or a packet switch fabric, as in claims 1 and 12 of the present invention. In fact, it appears that the signal processing servers 21 are not involved with directing traffic to the circuit switch fabric 26 or circuit network servers 25 via pathway 24 at all (see FIG. 2 of the '238 Patent).

Nor does the addition of the '985 Patent make up for this deficiency because like the '238 Patent, the '985 Patent does not disclose or suggest a controller configured to "direct traffic to either a circuit or packet switch fabric," as in claims 1 and 12 of the present invention.

### **The §103 Rejections**

It is respectfully submitted that claims 3, 7-9, 14, 18-23 and 25-28 are patentable over the combination of the '238 Patent, the '985 Patent and/or the '315 Patent for the reasons stated above with respect to the §102(e) rejections.

In addition, neither the '238 Patent, taken separately or in combination with the '985 Patent, discloses or suggests a connection admission control

algorithm which "allocates circuit switch resources" to ATM traffic, as in claims 3, 7, 8, 14, 18 and 19. The Office Action readily admits that the '238 Patent does not disclose the connection admission control algorithm, but relies on the addition of the '985 Patent to overcome this deficiency. However, the '985 Patent does not disclose or suggest a connection admission control algorithm which allocates "circuit switch resources" to ATM traffic. The so-called Generic Flow Control (GFC) fields or bits disclosed in the '985 Patent are not used to allocate "circuit switch resources" to ATM traffic, as in claims 3, 7, 8, 14, 18 and 19 of the present invention. Instead, each field (or bits) is used to control the sending of cells by a system segmentation and reassembly (SAR) chip 40. As far as Applicant can tell, the SAR chip 40 is not a part of a circuit switch fabric. In fact it appears that the SAR chip 40 is a part of a packet switch fabric (see FIG. 2, blocks 38).

Because claims 9, 20-23 and 25-28 depend on claims which are patentable over the references cited by the Office Action for the reasons set forth above, these claims are also patentable for the same reasons.

Accordingly, Applicant respectfully requests withdrawal of the pending rejections and allowance of claims 1-43.

Should there be any outstanding matters that need to be resolved in the present application, the Examiner is respectfully requested to contact John E. Curtin at the telephone number of the undersigned below.

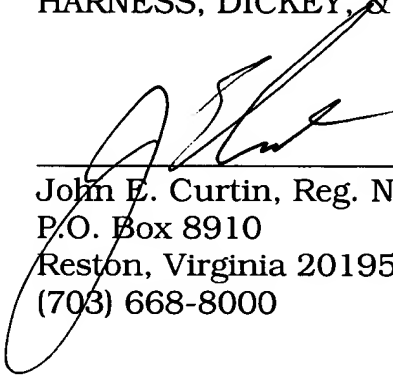
In the event this Response does not place the present application in condition for allowance, applicant requests the Examiner to contact the undersigned at (703) 668-8000 to schedule a personal interview.

If necessary, the Commissioner is hereby authorized in this, concurrent, and future replies, to charge payment or credit any overpayment to Deposit Account No. 08-0750 for any additional fees required under 37 C.F.R. § 1.16 or under 37 C.F.R. § 1.17; particularly, extension of time fees.

Respectfully submitted,

HARNESS, DICKEY, & PIERCE, P.L.C.

By



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